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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE**

**VICKI R. SEIDEL**

Plaintiff,  
v.

**UNITED STATES OF AMERICA,**  
Defendant.

CASE NO: 5:07-CV-03141 - JF  
Honorable Judge Jeremy Fogel  
MOTION FOR LEAVE TO  
FILE PARTIAL RECONSIDERATION  
OF ORDER DENYING MOTION FOR  
TEMPORARY RESTRAINING ORDER

**MOTION FOR LEAVE TO FILE MOTION FOR  
PARTIAL RECONSIDERATION OF ORDER  
DENYING MOTION FOR TEMPORARY RESTRAINING ORDER**

Comes now the defendant, Vicki R. Seidel, by and through her attorneys of record, Robert Alan Jones and Chris Dietrich, and pursuant to Local Rule 7-9(a) moves for leave to file motion for partial reconsideration of this Court's order denying her Motion for Temporary Restraining Order.

This motion, pursuant Local Rule 7-9(b) is based on the fact that this Honorable Court did not fully consider and rule upon the material facts and legal arguments dealing with the failure of the United States to issue the levy in proper legal form to the employer. The attached Motion for

1 partial reconsideration of plaintiff's Motion for temporary restraining order and the memorandum  
2 of points and authorities attached demonstrate as a matter of law that the Notice of Levy delivered  
3 to Marc Goodwin, Inc., her employer, is defective on its face, and its terms conflict with both the  
4 Internal Revenue Code, and the Internal Revenue Service Internal Revenue Manual.

5 Therefore, at a minimum, the Commissioner of the Internal Revenue should be temporarily  
6 enjoined from levying statutorily exempt portions of Mrs. Seidel's salary and wages. The  
7 Commissioner should also be enjoined from levying on this non-assessed taxpayer's personal  
8 50% interest in her salary in the community property state of California.

9 Counsel for plaintiff have contacted , AUSA David Denier, the government attorney  
10 assigned to this case, and the office of the responsible Internal Revenue Service officer, and informed  
11 them of the filing of the attached Motion for Partial Reconsideration.

12 WHEREFORE, the Plaintiff prays that the Court grant the instant motion granting the  
13 Plaintiff Leave to File the attached Motion for Partial Reconsideration and accompanying  
14 memorandum in support.

15 DATED: This 22<sup>nd</sup> day of June, 2007.

16 Respectfully submitted,

17  
18 /s/ Robert Alan Jones  
19 Robert Alan Jones, Esq.  
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28 /s/ Chris Dietrich  
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**CERTIFICATE OF SERVICE**

This is to certify that on June 22, 2007, I caused to be served the foregoing **MOTION FOR LEAVE TO FILE PARTIAL RECONSIDERATION OF ORDER DENYING MOTION FOR TEMPORARY RESTRAINING ORDER**, using the electronic court filing system, and will be distributed to all parties shortly after its filing.

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Dated this 22<sup>nd</sup> day of June, 2007.

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/s/ *Stephanie Burton*  
Office of Robert Alan Jones